



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DENNIS AYALA,

Plaintiff,

21 CIVIL 5611

-v-

**JUDGMENT**

KILOLO KIJAZAKI, ACTING  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Stipulation and Order dated April 18, 2022, that the final decision of the Commissioner of Social Security ("Commissioner") be reversed and the above-captioned action be remanded under sentence four of 42 U.S.C. §405(g). Section 405(g) provides that the Court has the power "to enter, upon the pleadings and transcript of record, a judgment affirming, modifying or reversing the decision of the [Commissioner], with or without remanding the cause for a rehearing." *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Remand for further development of the record is appropriate when gaps exist in the administrative record or where the Administrative Law Judge ("ALJ") has committed legal error. See *Parker v. Harris*, 626 F.2d 225, 235 (2d Cir. 1980). Upon review of the record, the Commissioner finds that further development of the record and additional administrative action is warranted. Should the Appeals Council remand to an ALJ, upon remand the ALJ will conduct further proceedings and develop the administrative record as necessary to determine whether Plaintiff is disabled within the meaning of the Social Security Act, including offering Plaintiff a new hearing, and issuing a new decision. Judgment is entered reversing the Commissioner's decision and this case is remanded

to the Commissioner for additional administrative proceedings.

**Dated:** New York, New York  
April 20, 2022

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

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*[Signature]*  
**Deputy Clerk**